

Jon N. Robbins
WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake, WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

MARY GARNER,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
) AND INVASION OF PRIVACY
NEW STRATEGIC SOLUTIONS,)
LLC,)
)
Defendant.)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

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3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**

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7 3. Plaintiff, Mary Garner, is a natural person residing in the State of
8 Washington, County of Franklin, and City of Pasco.

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10 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §
11 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

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13 5. At all relevant times herein, Defendant, New Strategic Solutions, LLC,
14 (“Defendant”) was a limited liability company engaged, by use of the mails and
15 telephone, in the business of attempting to collect a “debt” from Plaintiff, as
16 defined by 15 U.S.C. §1692a(5).

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18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

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21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,
23 including within the one year preceding the filing of this complaint, Defendant
24 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
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1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
2 including but not limited to:

- 3
- 4 a. Repeatedly making telephone calls to Plaintiff in connection with
5 collection of a debt allegedly belonging to someone else, and
6 consistently refusing to stop this behavior after numerous requests by
7 Plaintiff (§ 1692d));
 - 8 b. Threatening to take an action against Plaintiff that cannot be legally
9 taken or that was not actually intended to be taken, including
10 threatening to sue Plaintiff for someone else's debt (§ 1692e(5)).

11 9. Defendant's aforementioned activities, set out in paragraph 8, also
12 constitute an intentional intrusion into Plaintiff's private places and into private
13 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
14 person. With respect to the setting that was the target of Defendant's intrusions,
15 Plaintiff had a subjective expectation of privacy that was objectively reasonable
16 under the circumstances.

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18 10. As a result of Defendant's behavior, detailed above, Plaintiff
19 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
20 embarrassment, mental anguish and emotional distress.

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22 **COUNT I: VIOLATION OF FAIR DEBT**
23 **COLLECTION PRACTICES ACT**
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25 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

1 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

2 13. Plaintiff reincorporates by reference all of the preceding paragraphs.

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4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully prays that judgment be entered
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7 against the Defendant for the following:

- 8 A. Actual damages
9 B. Punitive Damages; and,
10 C. For such other and further relief as may be just and proper.
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13 Respectfully submitted this 5th day of May, 2009.
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16 s/Jon N. Robbins
17 Jon N. Robbins
18 WEISBERG & MEYERS, LLC
19 Attorney for Plaintiff
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